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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,910	10/28/2003	Takashi Yamazaki	008312-0306572	3980
909	7590	07/15/2004	EXAMINER	
PILLSBURY WINTHROP, LLP				JARRETT, RYAN A
P.O. BOX 10500				ART UNIT
MCLEAN, VA 22102				PAPER NUMBER
				2125

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/693,910	YAMAZAKI ET AL.
	Examiner Ryan A. Jarrett	Art Unit 2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following title is suggested:

"Control device for determining whether user of industrial machine is registered in advance"

Claim Objections

3. Claims 1, 2, and 4-7 are objected to because of the following informalities:

Claim 1

In claim 1 line 3, "a unit" should be replaced with "a determination unit" to distinguish from the other "units" in the claim, and due to the use of "the determination unit" in claim 5.

In claim 1 line 3, "an user" should be replaced with "a user of the industrial machine".

In claim 1 line 5, "a unit" should be replaced with "a selection unit" to distinguish from the other "units" in the claim, and due to the use of "the selection unit" in claim 4.

In claim 1 line 6, "the registrant" should be replaced with "a registrant registered in advance" since presumably there can be more than one registered user of the machine. If, however, there can only be one registered user for each machine, then that should be clarified in the claims.

In claim 1 line 6, "selects one of" should be replaced with "selects one of a group consisting of". There is however, a 35 U.S.C. 112 problem associated with this limitation as detailed below which may render this objection moot.

In claim 1 line 12, "the operating condition" should be replaced with "the at least one operating condition" for proper antecedent basis.

Claim 2

In claim 2 line 2, "operating condition" should be replaced with "at least one operating condition".

In claim 2 line 3, "operating condition" should be replaced with "at least one operating condition".

Claim 4

In claim 4 line 10, "operating condition" should be replaced with "at least one operating condition".

Claim 5

In claim 5 line 2, "the registrant" should be changed to "a registrant registered in advance" if it is possible that more than one user can be registered for a particular machine.

In claim 5 line 3, "an identification code" should be replaced with "a user identification code".

In claim 5 line 4, "a corresponding code" should be replaced with "a corresponding pre-defined identification code and password code".

Claim 6

In claim 6 line 2, "the registrant" should be changed to "a registrant registered in advance" if it is possible that more than one user can be registered for a particular machine.

In claim 6 line 3, "at least one of" should be replaced with "parameters selected from a group consisting of".

Claim 7

In claim 7, "any one of" should be replaced with "any one machine selected from the group consisting of".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1

In claim 1 lines 5-9, it is not entirely clear how the setting state for at least one "operating condition" of the machine is determined "in accordance with operation of the registrant". Does this mean that the registered user is allowed to change some settings of the machine but not allowed to change other settings on the machine? If so, it is not clear what the access rules are based on? Does each registered user have a file stored in memory (the determination unit) that determines their particular access rights for the different machine settings?

Claim 1 recites the limitation "the setting permission state is selected" in line 12. There is insufficient antecedent basis for this limitation in the claim since the "selection unit" does not explicitly require that the "setting permission state" be selected. According to the language of claim 1 lines 5-9, the "setting inhibition state" could be the only state selected for one or multiple "operating conditions" of the machine.

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Claim 2

Claim 2 recites the limitation "the setting permission state is selected" in line 4. There is insufficient antecedent basis for this limitation in the claim since the "selection unit" of claim 1 does not explicitly require that the "setting permission state" be selected. According the language of claim 1 lines 5-9, the "setting inhibition state" could be the only state selected for one or multiple "operating conditions" of the machine.

Claim 3

In claim 3 line 3, it is not clear what the limitation "individually" refers to.

Claim 3 recites "a unit which provides the registrant...with a screen capable of selecting at least one of the setting permission state and the setting inhibition state". Does this mean that the user can select the setting state through a touch screen? Furthermore, and more importantly, as best understood by claim 1, it is the "selection unit" that selects the setting state, presumably automatically based on pre-defined registrant access rights. Thus, the contradiction requires clarification. This claim precludes examination on the merits.

Claim 4

Claim 4 recites the limitation "the setting permission state is set" in line 10. There is insufficient antecedent basis for this limitation in the claim since the "selection unit" of claim 1 does not explicitly require that the "setting permission state" be selected.

According the language of claim 1 lines 5-9, the "setting inhibition state" could be the only state selected for one or multiple "operating conditions" of the machine.

Claims 5-7

Claims 5-7 depend from claim 1 and thus incorporate the same deficiencies.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. As best understood, claims 1, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Inomata et al. US 2003/004560. Inomata et al. discloses a control device for controlling a copy machine, or printing device, comprising: a fingerprint recognition unit which determines whether a user of the copy machine is a registrant registered in advance; a selection unit which, when the user is determined to be a registrant registered in advance, selects a setting permission state for a print operating condition of the copy machine in accordance with the authentication of the registered user; a setting unit which accepts from the registrant a setting of the print operating

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condition for which the setting permission state is selected (e.g., [0006], [0027], [0106]-[0121], [0184]-[0186], [0237]-[0255], [0291]-[0297]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inomata et al. as applied to claim 1 above and further in view of Ohkawa US 2003/0038984. Inomata et al. discloses a display unit on the copy machine that shows information to the user in accordance with necessity (e.g., [0117]). Inomata et al. also discloses CCD input screen devices for reading the user fingerprints. Inomata et al. does not appear to explicitly disclose that the display unit displays a setting log, or that the CCD input screen is used to set the print operating condition.

However, Ohkawa US 2003/0038984 discloses a copy machine with a display unit that display a machine setting log and an input LCD touch panel that the operator uses to set print operating conditions (e.g., [0078]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the instant application to modify Inomata et al. with Ohkawa so that the operator can change input settings to the copy machine and so that the operator can visually see the current machine settings, as taught by Ohkawa.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inomata et al. as applied to claim 1 above, and further in view of Koyanagi et al. U.S. Patent No. 5,424,844. Inomata et al. does not disclose that the user is authenticated with an ID code and a password code. However, Koyanagi et al. discloses a copy machine in which a user is authenticated with an ID code and a password (e.g., col. 10 lines 8-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the instant application to modify Inomata et al. with Koyanagi et al. since Koyanagi et al. teaches that an ID code and password can be used to limit user services in accordance with their registration status.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

7/9/04



LEO PICARD
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